

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 19, 2006

APPLICATION OF

VIRGINIA ELECTRIC & POWER CO.
d/b/a DOMINION VIRGINIA POWER

CASE NO. PUE-2006-00040

To amend its Certificate of Public Convenience and
Necessity authorizing operation of transmission lines
and facilities in the City of Virginia Beach: West
Landing Substation and Landstown Substation-West
Landing Substation 230 kV Transmission Line

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PRELIMINARY ORDER

On March 21, 2006, Virginia Electric and Power Company d/b/a Dominion Virginia Power ("Company") filed with the State Corporation Commission ("Commission") under Case No. PUE-1991-00014 its Motion of Virginia Electric and Power Company for a Ruling That Additional Approvals Are Unnecessary, or in the Alternative, for Approval of Adjustments to Alignment Within Approved Route and Related Finding, and for Expedited Consideration (hereinafter Motion for Ruling or Approval). By Order Granting Application of January 28, 1992, in Virginia Electric and Power Company, Case No. PUE-1991-00014, 1992 S.C.C. Ann. Rep. 267, the Commission granted Dominion Virginia Power a certificate of public and convenience and necessity, which authorized the Company to construct and operate in the City of Virginia Beach a 230 kV transmission line between the Landstown and West Landing Substations. The Commission authorized construction on the route shown in the Company's application and shown on a map attached to and incorporated into Certificate No. ET-95r dated January 28, 1992, issued pursuant to the Order Granting Application. As stated in the pleading caption, the Company asked the Commission to hold that no approval was required for several deviations from the route shown in the certificate issued in Case No. PUE-1991-00014. In the

alternative, Dominion Virginia Power asked for approval of the modifications described in its counsel's pleading.

Upon consideration, the Commission will deny the Motion for Ruling or Approval. We will, however, accept the Motion for Ruling or Approval as an application to make changes in a previously authorized facility, as provided by State Corporation Commission Rules of Practice and Procedure, (hereinafter SCC Rules of Practice) 5 VAC 5-20-80 A. This acceptance of the Motion for Ruling or Approval as an application is contingent upon the Company promptly filing supplementary materials as directed in this Order.

The Company identified the appropriate precedent in its Motion for Ruling or Approval at 8. As Dominion Virginia Power recognized, the Commission accepted an application to modify an approved transmission line route in Virginia Electric and Power Company, Case No. PUE-1997-00422, 1997 S.C.C. Ann. Rep. 411 (modification of transmission line route approved in Case No. PUE-1996-00115). In that case, the Commission required the Company to give notice of the relocation of the termination point of a transmission line and the resulting shift of the line route. The Commission provided an opportunity for interested persons to comment. Id. A record was developed, and the Commission made findings on the requirement to adjust the route and environmental impact.

Changes in the law mandate that procedures similar to those followed in 1997 in Case No. PUE-1997-00422 be implemented today. Since 1992, when the certificate authorizing the Landstown-West Landing line was issued, § 56-46.1 of the Code of Virginia (hereinafter Code) has been amended to require written notice to landowners. The General Assembly has also enacted § 62.1-44.15:5 D 2 of the Code, which requires the Commission and the State Water Control Board to consult on the wetland impacts of proposed electric facilities. Finally, over

14 years have passed since the Commission issued its Order Granting Application for the Landstown-West Landing line. In contrast, barely three months passed between the approval of the line route at issue in Case No. PUE-1997-00422 and the filing of an application to modify the route. 1997 S.C.C. Ann. Rep. at 411. A record that addresses, among other things, the delay in construction and the environmental issues identified by the Company in its Motion for Ruling or Approval must be developed.

We direct Dominion Virginia Power to file promptly an application to amend its certificate granted in Case No. PUE-1991-00014. The application should include testimony in narrative form or in question and answer form and appropriate exhibits illustrating the proposed changes in the approved route. The testimony should address the chronology of this matter and identify in reasonable detail the various adjustments to the route described in the Motion for Ruling and Approval. The testimony and exhibits should also relate the outstanding regulatory approvals required. Finally a route description and sketch map suitable for distribution to interested persons should be filed. To expedite consideration, the Company should serve a copy of the application on the City of Virginia Beach and Department of Environmental Quality officials responsible for the administration of § 62.1-44.15:5 D 2 of the Code.

Accordingly, IT IS ORDERED THAT:

(1) As provided by §§ 56-46.1, 56-265.2, and related provisions of Title 56 of the Code, this matter is docketed as Case No. PUE-2006-00040 and all associated papers be filed therein.

(2) For the reasons discussed in this Order, the Motion for Ruling and Approval be accepted as an application as provided by SCC Rules of Practice 5 VAC 5-20-80 A, Application, subject to the Company supplementing its filing as ordered.

(3) The Company shall promptly file with the Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, an original and fifteen (15) copies of supplemental materials addressing the issues noted in this Order and providing any other information the Company deems relevant to the Commission's consideration of this application to amend its certificate of public convenience and necessity issued in Case No. PUE-1991-00014.

(4) An original and fifteen (15) copies of a notice of participation as a respondent to the application, as required by SCC Rules of Practice 5 VAC 5-20-80 B, *Participation as a respondent*, may be filed with the Commission Clerk at the address in Ordering Paragraph (3), and copies shall be served on counsel to the Company, James C. Dimitri, Esquire, McGuireWoods LLP, One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030. The notice of participation shall be filed and served as required by SCC Rules of Practice 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-150, *Copies and format*. Any organization, corporation, or government entity participating as a respondent must be represented by counsel as required by the SCC Rules of Practice 5 VAC 5-20-30, *Counsel*.

(5) As provided by SCC Rules of Practice 5 VAC 5-20-80, written comments on the application may be filed by either of the following methods:

A. Comments may be submitted in writing to Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Diskettes, compact disks, or any other form of electronic storage medium may not be filed with comments. All correspondence shall refer to Case No. PUE-2006-00040.

Or

B. Comments may be submitted electronically by following the instructions available at the Commission's website: <http://www.scc.virginia.gov/caseinfo.htm>.

The Commission Clerk shall mail an attested copy of this Order to James C. Dimitri, Esquire, Stephen H. Watts II, Esquire, and Lisa S. Booth, Esquire, McGuireWoods LLP, One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030; and the Commission's Office of General Counsel and Division of Energy Regulation.